

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELEAZAR MARTINEZ MEDINA,
Defendant.

DECISION AND ORDER
20-CR-29-A

Defendant Eleazar Martinez Medina, along with seven co-defendants, is charged in two counts of a 22-count Superseding Indictment (Dkt. No. 24), with conspiracy to possess with intent to distribute, and to distribute, various controlled substances, in violation of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 841(b)(1)(C), and 841(b)(1)(D), and 856(a)(1) (Count 1), and possession with intent to distribute, and distribution of, 5 kilograms or more of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A), and 18 U.S.C. § 2 (Count 3). The case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings.

On December 1, 2022, the Magistrate Judge filed a Report, Recommendation and Order (“RR&O”) (Dkt. No. 491) that recommends denial of Defendant’s motion (Dkt. No. 187) to suppress 1) evidence obtained from Uber, 2) evidence obtained from Defendant’s Google Gmail account pursuant to a search warrant, 3) evidence obtained from two cell phones pursuant to a search warrant, 4) evidence obtained through a pen register order for a specific T-Mobile phone number, and 5) evidence

consisting of \$658,380 in U.S. currency seized from Defendant during a vehicle and traffic stop, as well as Defendant's alternative request for an evidentiary hearing. No objections to the RR&O were filed, and the RR&O was therefore deemed submitted. Because there were no objections to the RR&O, the Court reviews the RR&O on clear error review.

The Court adopts the reasoning of the Magistrate Judge and deems no further discussion necessary.

Upon clear error review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the RR&O, it is hereby

ORDERED that the Report, Recommendation and Order is adopted in its entirety; and it is further

ORDERED that Defendant's motion (Dkt. No. 187) to suppress physical evidence is DENIED.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: December 21, 2022
Buffalo, New York